

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/208,696

Applicant: YASUYUKI SEKINE

Filed: December 10, 1998

TC/AU: 3711

Examiner: D. Collins

Docket No.: 403072

Customer No.: 23548



Commissioner for Patents
U.S. Patent and Trademark Office
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Alexandria, VA 22314

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicant requests pre-appeal brief review of the final rejection of the patent application identified above. No amendments are being filed with this Request and the Request is being filed simultaneously with a Notice of Appeal. This Request is no more than five pages in length. Review is requested for the reasons stated on the following pages.

REQUEST FOR REVIEW

Claims 17-32 are pending in this patent application. Of these claims, only claim 17 is an independent claim.

Claims 17-32 are commonly and finally rejected as unpatentable over Ugawa (JP 5-68733, identified by the Examiner as Sankyo, the name of Assignee, not the Applicant) in view of Hooker (U.S. Patent 4,184,683). Some of the rejections of some dependent claims also invoke "Official Notice".

Two paragraphs at pages 2 and 3 of the final rejection are the only comments concerning the final rejection of the sole independent claim, claim 17. The second paragraph states:

"Sankyo discloses the claimed (display) invention but fails to explicitly teach that the reels are independently and selectively stoppable when rotating. Hooker discloses Slot Machine Apparatus. Hooker teaches the use of Hold buttons which communicate with an electrical circuit to control the stopping/rotation of reels. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sankyo K.K. to include feeders in order to afford player more control of their outcomes."

The foregoing paragraph is irrelevant to any pending claim. Because of prior amendments, there is no longer any limitation in any claim relating to anything concerning a "Hold button" and it has never been apparent what "feeders" might be. In other words, because of previous amendments, Hooker adds nothing to Ugawa with regard to the final rejection of the single independent claim, claim 17. Therefore, for the final rejection of claim 17 to be sustainable, Ugawa must anticipate that claim or, by itself, make claim 17 obvious.

The invention concerns a display for a game, such as a slot machine, that includes a plurality, i.e., at least two, independently rotatable reels that rotate about a common axis. The display further includes a window for viewing symbols on each of the reels along at least two straight lines when the reels have stopped rotating about their common axis. Particular alignments of symbols on the reels along those straight lines provide a winning state for the player of the game whereas all other combinations of symbols on those straight lines do not provide a winning state, i.e., provide a loss for the player.

An important feature of the invention is described in the penultimate paragraph of claim 17 and concerns the arrangement of the symbols on the respective reel sheets that

provide the symbols of the reels. The symbols are sequentially arranged on each of the reel sheets for viewing by the game player when the reels stop rotating. Claim 17 requires that each of two separate conditions be satisfied with regard to the symbols on the reel sheets.

1. Each reel sheet includes one symbol appearing serially, at least two times, without any different intervening symbol; and

2. Each symbol of the plurality of symbols appears on each of the reel sheets.

Ugawa fails to disclose the conjunction of these two conditions. That failure is not happenstance, but intentional, in Ugawa, demonstrating that claim 17 is patentable over Ugawa.

The pertinent figure of Ugawa for comparison to claim 17 is Figure 22. That figure illustrates three reel sheets including as symbols a bell, the number 7, a bar, and a watermelon. No pair of these reel sheets is within or suggests claim 17.

Considering the left and center reel sheets of Figure 22 of Ugawa as a plurality of reel sheets, it is apparent that neither of conditions 1 and 2 is fulfilled. Condition 1 is not met by the center reel sheet because there is no symbol appearing at least twice without any intervening different symbol on that reel sheet. Condition 2 is not met because the watermelon symbol does not appear on the left reel sheet.

Considering the left and right reel sheets of Figure 22 of Ugawa, condition 2 is not met. The left reel sheet, as already indicated, does not include the watermelon symbol so that each symbol of the plurality of symbols does not appear on each of the reel sheets. Likewise, the right reel sheet does not include the bell symbol, also failing to meet condition 2.

The final potential combination of two of the reel sheets of Figures 22 of Ugawa is the center reel sheet and the right reel sheet. As already described, the center reel sheet does not meet condition 1 because there is no repetition of any symbol at least twice without any intervening different symbol. The right reel sheet, as already mentioned, does not meet condition 2 because the bell symbol does not appear, meaning that each symbol of the plurality of symbols does not appear on each of the reel sheets.

It follows, from having considered all possible permutations of the Ugawa reel sheets, taken two at a time, that the three reel sheets, considered together cannot meet both of conditions 1 and 2. In other words, no plurality of Ugawa's reel sheets includes on each sheet a serially repeating symbol, without intervening different symbols and not every symbol appears on every reel sheet.

The foregoing analysis makes clear that Ugawa cannot anticipate claim 17 and, therefore, any of claims 18-32, since those dependent claims all depend directly or indirectly from claim 17.

In order to understand why Ugawa cannot suggest claim 17 or any other pending claim, it is essential to consider the Ugawa disclosure. The only available English language information concerning Ugawa is the abstract and, potentially, a computer-generated translation from the JPO website. Using these sources and the advice of the Applicant, the problem addressed by Ugawa can be understood. In slot machines preceding the Ugawa disclosure, the symbols that appeared in a display when the reels stopped spinning may be identical in each of three windows. The natural reaction to this matching of displayed symbols was that a prize had been won. However, in those prior art slot machines an award table had to be consulted to determine if a particular combination of symbols is a winner. In some instances in those prior art machines, the award table showed that the display of the three identical symbols was not a winner. When the player failed to receive the expected prize, extreme disappointment resulted and the player was discouraged from continuing playing of the machine or returning to the machine later.

In response to that prior art problem, Ugawa provided an arrangement in which there can never be an alignment of identical symbols that represent a loss, i.e., "losing symbols". Any combination of three identical symbols on the three reel sheets, shown in Figure 22 of Ugawa, when the reels stop spinning, is a winner. This result is achieved in Ugawa very simply, namely by assuring that one of the "loser" symbols is absent from one of the three reels of Figure 22.

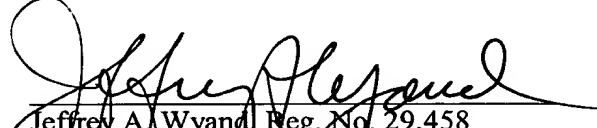
The Ugawa solution to its stated problem is directly contrary to the present invention because the invention, as claimed in claim 17, requires that every symbol employed on any reel sheet must appear on each of the reel sheets. This difference between the invention and Ugawa is further supported by the award table shown in Figure 8 of the present patent application and claim 32, which provides that every alignment of identical symbols along one the lines, without interruption by a different symbol, provides a winning state. Because the arrangement of the symbols on the reels as described in claim 17 is entirely contrary to the problem solution provided by Ugawa, Ugawa cannot suggest the invention as defined by the claims now pending. The final rejection is fundamentally erroneous and should, at this stage

of the protracted prosecution of this patent application, be withdrawn and those claims 17-32 should be allowed.

As pointed out in the Amendment filed March 3, 2005, many of the dependent claims include features that distinguish further from Ugawa and Hooker. Applicant reserves the right to present additional arguments with regard to the patentability of claim 17 and of the dependent claims in the event of the filing of an Appeal Brief. Those arguments are not presented here in view of the objective and required brevity of Pre-Appeal Brief Review procedure.

Since the final rejection of at least the sole pending independent claim is not supportable, the rejection should be withdrawn. Since all of the pending claims are commonly rejected, upon withdrawal of the rejection of claim 17, claims 17-32 should be allowed.

Respectfully submitted,


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Date: Sept 9, 2005
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